

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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| SHIVA AYYADURAI, an individual | : | |
| | : | |
| Plaintiff, | : | Case 1:16-cv-10853 |
| | : | |
| | : | |
| v. | : | |
| | : | |
| GAWKER MEDIA, LLC, a Delaware | : | |
| limited liability company; SAM BIDDLE, an | : | |
| individual, JOHN COOK, an individual, | : | |
| NICHOLAS GUIDO ANTHONY DENTON, | : | |
| an individual, and DOES 1-20, | : | |
| | : | |
| Defendants. | : | |

MOTION FOR EXTENSION OF TIME

Defendants Sam Biddle, John Cook, and Nicholas Guido Denton (collectively, “Individual Defendants”) hereby move this Court for an extension of time to respond to the complaint in this action until two weeks after a decision on the motion to stay these proceedings currently pending before the United States Bankruptcy Court for the Southern District of New York.

This action for defamation and related torts arises out of the publication of three articles on the websites www.gizmodo.com and www.gawker.com by defendant Gawker Media LLC (“Gawker”). Two of the articles were written by Mr. Biddle, who was, at the time, a Gawker employee. Mr. Cook, the Executive Editor of Gawker, and Mr. Denton, Gawker’s founder and Chief Executive Officer, are also named as defendants herein.

On June 10, 2016, Gawker filed a voluntary petition for relief pursuant to Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New

York. As a result, this proceeding has been automatically stayed as to Gawker pursuant to Section 362 of the Bankruptcy Code, 11 U.S.C. § 362. Gawker filed a Suggestion of Bankruptcy in this proceeding on June 29, 2016.

The Individual Defendants hereby request an extension of time to respond to the Complaint (Dkt. No. 1). As explained below, Plaintiff's counsel agreed to the requested extension.

Plaintiff filed the Complaint on May 10, 2016. Plaintiff purports to have served the Individual Defendants on June 13, 2016. While the Individual Defendants contest service, if that service is deemed valid, pursuant to Federal Rule of Civil Procedure 15(A)(3), the Individual Defendants' response to the Complaint is due on Tuesday, July 5, 2016.

On June 10, Gawker commenced an adversary proceeding related to its chapter 11 filing, and concurrently therewith filed a motion requesting that the automatic stay be extended to the individual defendants in this and other actions (or otherwise that injunctive relief be issued) pending against Gawker in which former or current Gawker employees have been named as co-defendants. As in the other actions that are the subject of the Bankruptcy Court motion, the claims and defenses as to Gawker in this Action arise from the same set of facts and circumstances as, and are intertwined with, those as to the Individual Defendants. A case management conference is currently scheduled for July 7, 2016 in the Bankruptcy Court.

In light of this development, the Individual Defendants respectfully request an extension of time to respond to the Complaint until two weeks after the Bankruptcy Court rules on the motion. Moreover, Messrs. Denton and Cook will be heavily involved in the bankruptcy proceedings and this short extension of time will allow them to focus on those proceedings. Given that this litigation is in its earliest stages and there has been neither a responsive pleading

filed nor any discovery undertaken, Defendants believe this brief extension will not prejudice Plaintiff or the efficient resolution of this dispute.

Plaintiff's counsel has agreed to this requested extension subject to Defendants' agreement that he be provided an extra two weeks to oppose any motion to dismiss the Complaint. Defendants agree to this extension.

CONCLUSION

For all the foregoing reasons, Sam Biddle, Nicholas Denton and John Cook respectfully request an extension of time to respond to the Complaint until two weeks after the Bankruptcy Court rules on the motion.

Dated: June 29, 2016

Respectfully submitted,
LEVINE SULLIVAN KOCH & SCHULZ, LLP

By: s/ Rachel F. Strom

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*Counsel for Defendant Gawker Media, LL, Sam
Biddle, Nicholas Denton and John Cook*

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of June, 2016, I electronically transmitted the foregoing **MOTION FOR EXTENSION OF TIME** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants, as plaintiff's counsel, and all counsel of record:

Timothy Cornell

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I further certify that on June 30, 2016, I served a true copy of same by US Mail upon:

Charles J. Harder, Esq.

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s/ Rachel F. Strom
Rachel F. Strom